

REMARKS

In this paper, claims 1 and 24 are amended. Claims 1, 4-5, and 18-29 are pending. Reconsideration of this application, as amended, is requested.

103 Rejections

Claims 1, 4-5, 18-21, 23-25 and 27 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,708,247 to McAleer et al. in view of U.S. Patent No. 6,071,391 to Gotoh et al., as were claims 22, 26, 28 and 29. Applicants disagree with these rejections.

The claims have been amended to better clarify that the methods include a step of creating a sample chamber region, that upon separating the plurality of electrochemical sensors, each sample chamber is (1) between the substrate and the second substrate, (2) has a volume of no more than about 1 microliter and (3) is continuous with the at least one sample chamber of an adjacent electrochemical sensor.

McAleer et al. has been described in previous papers, and those remarks also apply herein. The methods of the pending claims recite methods of forming, simultaneously, a plurality of electrochemical sensors that have the recited features. Applicants continue to contend that the disclosure of McAleer et al. does not provide a sample chamber region, that upon separating the plurality of electrochemical sensors, forms sensors that have a sample chamber as recited in the pending claims. To further clarify the claims, Applicants have amended to recite that the sample chamber of one sensor is continuous with the sample chamber of an adjacent electrochemical sensor. Thus, prior to separating the plurality of sensors, multiple sample chambers are connected and continuous, forming the sample chamber region.

The Office Action, on page 6, paragraph 5, argues that McAleer et al. create a number of chambers within a sample region by removing the spacer layer (18) and forming a channel at the end connected to the tips of the electrodes (16). The Office Action continues that the sample chambers (FIG. 1A) are formed on the same substrate, which means they are being connected by means of the substrate.

These sample chambers (FIG. 1A) are defined by the removed portions of spacer layer (18) (see FIG. 1A, where this sample chamber is illustrated as a rectangular area). As pointed out by Applicants in the previous paper, these sample chambers are bound on all sides by mask

(18). If multiple sensors of McAleer et al. were aligned, the sample chambers (one from each sensor) would be individual, discrete areas, spaced from the side edges of the sensor. As mentioned above the pending claims have been amended to further clarify that the sample chamber of one sensor (prior to separating) is continuous with the sample chamber of an adjacent electrochemical sensor. The sensor structure of McAleer et al. does not meet this.

Further, McAleer et al. also does not teach or suggest having the sample chamber between the substrate and a second substrate, as is also recited in the pending claims.

As previously, the Office Action turns to Gotoh et al. for the teaching that the sensor has two substrates having the same length and width and for the teaching of indicator electrodes. Applicants do not disagree that various embodiments of Gotoh et al. have the same length and width. Applicants do disagree that Gotoh et al. teach indicator electrodes.

As for the newly clarified claims, Applicants contend that there is no teaching nor suggestion in the cited references nor their combination of the pending claims. Applicants contend that the claims are patentable, and request that the rejections be withdrawn.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: November 1, 2006



Mara E. DeBoe
Reg. No. 40,066

